

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PETER RENALDI, :

Plaintiff, :

v. :

NICE, BARAK EILAM, NICE SYSTEMS, INC., :  
ACTIMIZE, PAUL MILLS, CHRISTINE :  
BONAMARTE, RICHARD MALISH, :

Defendants. :

-----X  
KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

**ORDER**

19-CV-424 (LGS) (KNF)

By a joint letter dated August 28, 2020: (1) the plaintiff requested “leave to file a second motion to compel”; and (2) non-party SAP SuccessFactors, Inc. (“SAP”) requested “leave to file a motion for a protective order.” On September 16, 2020, the Court conducted a telephonic conference in connection with the August 28, 2020 joint letter and directed SAP to provide additional evidence in support of its position described in the joint August 28, 2020 letter. Thereafter, SAP filed an additional detailed declaration of SAP’s Sam Passman, “a Vice President, Product Management, Cloud HCM PM – Talent,” explaining the basis for SAP’s contention that it “does not have access to any additional information regarding Mr. Rinaldi’s 2018 performance evaluation.” Docket Entry No. 153-1.

The Court finds that SAP established that no additional information exists responsive to the plaintiff’s subpoena. Accordingly, the plaintiff’s request for leave to file a motion to compel, Docket

Entry No. 148, is denied, obviating SAP's need to file a motion for a protective order.

**The Clerk of Court is directed to mail a copy of this Order to the petitioner.**

Dated: New York, New York  
October 5, 2020

SO ORDERED:

  
\_\_\_\_\_  
KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE